

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

UNITED STATES OF AMERICA,

NO. CR95-380-MJP

Plaintiff,

v.

SUMMARY REPORT OF  
U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

BRETT ELLIOTT SWALWELL,

Defendant.

An initial hearing on a petition for violation of supervised release was held before the undersigned Magistrate Judge on June 7, 2010. The United States was represented by Assistant United States Attorney Nicholas Brown, and the defendant by Jay Stansell.

The defendant had been charged and convicted of Bank Robbery, in violation of 18 U.S.C. § 2113(a). On or about September 11, 1995, defendant was sentenced by the Honorable William L. Dwyer, to a term of 151 months in custody, to be followed by 3 years of supervised release.

The conditions of supervised release included the requirements that the defendant comply with all local, state, and federal laws, and with the standard conditions. Special conditions imposed included, but were not limited to, participation in substance and mental health programs, financial disclosure, \$11,004.00, submit to search, and 90 days location monitoring (plus 60 days extension due to deviation).

1 In a Petition for Warrant or Summons, dated February 9, 2010, U.S. Probation Officer  
2 Thomas J. Fitzgerald asserted the following violations by defendant of the conditions of his  
3 supervised release:

- 4 (1) Failing to participate in Moral Reconciliation Therapy (MRT) as directed since  
5 December 9, 2009, in violation of his special condition of supervised  
6 release.
- 7 (2) Failing to pay \$20 per month toward his restitution as directed and agreed  
8 since July 14, 2009, in violation of his condition of supervised release.
- 9 (3) Failing to report to the probation officer as directed on February 23, 2010, in  
10 violation of standard condition number 2 of his supervised release.
- 11 (4) Consuming opiates and/or oxycodone on or before March 4, 2010, in  
12 violation of standard condition number 7 of his supervised release.
- 13 (5) Failing to report to the probation officer as directed on March 8, 2010, in  
14 violation of standard condition number 2 of his supervised release.

15 On June 7, 2010, defendant made his initial appearance. The defendant was advised of  
16 his rights, acknowledged those rights, and admitted alleged violations 1, 2, 3, 4 and 5.

17 I therefore recommend that the Court find the defendant to have violated the terms and  
18 conditions of his supervised release as to violation 1, 2, 3, 4 and 5, and that the Court conduct a  
19 hearing limited to disposition. A disposition hearing on these violations has been set before the  
20 Honorable Marsha J. Pechman on June 23, 2010 at 4:00 p.m.

21 Pending a final determination by the Court, the defendant has been detained.

22 DATED this 7th day of June, 2010.

23   
24 JAMES P. DONOHUE  
25 United States Magistrate Judge  
26

1 cc: District Judge: Honorable Marsha J. Pechman  
2 AUSA: Nicholas Brown  
3 Defendant's attorney: Jay Stansell  
4 Probation officer: Thomas J. Fitzgerald  
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